

FILED by **SL** D.C.

Jan 15, 2016

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
16-14001-CR-MARTINEZ/LYNCH**

Case No.

7 U.S.C. § 136l(b)(1)(B)
18 U.S.C. § 1001
18 U.S.C. § 2

UNITED STATES OF AMERICA

vs.

**SUNLAND PEST CONTROL
SERVICES, INC.,
GRENALE WILLIAMS, and
CANARIE DEON CURRY,**

Defendants.

INFORMATION

The United States Attorney charges that:

COUNT 1

**Using A Restricted Use Pesticide In A Manner
Inconsistent With Its Labeling
(7 U.S.C. § 136l(b)(1)(B))**

From on or about June 1, 2015 and continuing through on or about August 16, 2015, in
Martin County, within the Southern District of Florida, and elsewhere, the defendants,

**SUNLAND PEST CONTROL SERVICES, INC.,
GRENALE WILLIAMS, and
CANARIE DEON CURRY,**

being a commercial applicator of a restricted use pesticide under the Federal Insecticide,
Fungicide, and Rodenticide Act, knowingly used Zythor, a registered and restricted use pesticide,
in a manner inconsistent with its labeling, to wit:

(A) Prior to the application of Zythor:

- (1) failing to provide the required Zythor Fumigant Structure Occupant Fact Sheet to an adult occupant of the structure to be fumigated;
- (2) failing to open all operable interior doors, openings to rooms, attics, sub-areas, storage rooms and closets; and
- (3) failing to shut off natural gas service to the structure at the main service valve.

(B) Subsequent to Application of Zythor and During Aeration and Clearance:

- (1) failing to have two persons trained in the use of the restricted use pesticide, present on site from the first opening of the tent seal until the securing of the structure at the end of the initial aeration period;
- (2) failing to use a required, approved respiratory protection device to enter the fumigated space at the first opening of the tent seal and during the aeration procedure when the concentration of the restricted use pesticide within the breathing zone of the fumigated space is unknown;
- (3) failing to aerate the fumigated space with all operable exterior windows and doors open, aided by the use of one or more fans capable of displacing at least 5,000 cubic feet of air per minute, for a minimum of one hour;
- (4) failing to post standard warning signs around the fumigated structure during the removal of the tent and ensuring those warning signs remain posted until aeration was complete and final clearance for re-occupancy was given; and

- (5) failing to conduct a required clearance of the fumigated structure following a complete aeration procedure by sampling the air within the breathing zone of the fumigated space with an approved and properly calibrated Low Fumigant Level Detection Device until measured levels of the restricted use pesticide were less than one part per million within the breathing zone of the fumigated space.

(C) Clearance and Re-Occupancy Notification:

- (1) hanging a clearance and re-occupancy notice on the front entrance to the fumigated structure without completing the mandated aeration and clearance procedure; and
- (2) failing to post the clearance and re-occupancy notice on all other exterior doors to the fumigated structure.

All in violation of Title 7, United States Code, Sections 136/(b)(1)(B), 136j(a)(2)(G), 136/(b)(4); and Title 18, United States Code, Section and 2.

COUNT 2
False Statement
(18 U.S.C. § 1001)


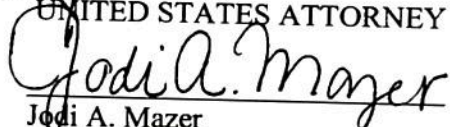
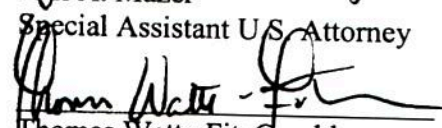
From on or about August 20, 2015 and continuing through on or about August 27, 2015, in Martin County, within the Southern District of Florida, and elsewhere, the defendant,

SUNLAND PEST CONTROL SERVICES, INC.,

in a matter within the jurisdiction of the executive branch of the Government of the United States, that is, the Environmental Protection Agency, did knowingly and willfully make materially false, fictitious, and fraudulent statements and representations, in that the defendant submitted information in two signed affidavits, other documents, and oral representations to the Florida

Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, during an investigation of the misapplication of restricted use pesticides resulting in an alleged poisoning stating that: 1) the restricted use pesticide Vikane was used, when in truth and in fact, a different restricted use pesticide, Zythor, was used to fumigate the home; and 2) that the fumigation, aeration, and clearance of the home had been conducted in accordance with the manufacturer's labeling requirements, when in truth and in fact, and as the defendant then and there well knew, the label requirements were not followed for either the restricted use pesticide the defendant claimed it used (Vikane) or the restricted use pesticide it actually used (Zythor).

In violation of Title 18, United States Code, Sections 1001 and 2.


WILFREDO A. FERRER
UNITED STATES ATTORNEY

Jodi A. Mazer
Special Assistant U.S. Attorney

Thomas Watts-FitzGerald
Assistant United States Attorney

UNITED STATES OF AMERICA

CASE NO. _____

vs.

SUNLAND PEST CONTROL SERVICES, INC., et al.

CERTIFICATE OF TRIAL ATTORNEY*

Defendant. _____/

Superseding Case Information:

Court Division: (Select One)

_____ Miami _____ Key West
_____ FTL _____ WPB X FTP

New Defendant(s) Yes _____ No _____
Number of New Defendants _____
Total number of counts _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
3. Interpreter: (Yes or No) NO
List language and/or dialect _____
4. This case will take 0 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

I	0 to 5 days	<u>X</u>	Petty	_____
II	6 to 10 days	_____	Minor	_____
II	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	_____	Felony	<u>X</u>
V:	61 days and over	_____		

6. Has this case been previously filed in this District Court? (Yes or No) No No

If yes:

Judge: _____

Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter?

(Yes or No) No

If yes:

Magistrate Case No. _____

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

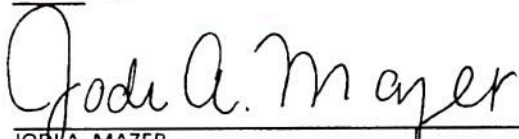
Rule 20 from the _____

District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? _____ Yes X No



JODI A. MAZER
SPECIAL ASSISTANT UNITED STATES ATTORNEY
Court ID# 0186503

*Penalty Sheet(s) attached

REV 4/8/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: SUNLAND PEST CONTROL SERVICES, INC., et al.

Case No: _____

Count #: 1

Using a Restricted Use Pesticide In A Manner Inconsistent With Its Labeling

Title 7, United States Code, Section 136/(b)(1)(B)

*** Max. Penalty:** 1 year imprisonment

Count #: 2

False Statement

Title 18, United States Code, Section 1001

***Max. Penalty:** 5 years imprisonment

Count #:

***Max. Penalty:** _____

Count #:

***Max. Penalty:** _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: GRENALE WILLAMS

Case No: _____

Count #: 1

Using A Restricted Use Pesticide In A Manner Inconsistent With Its Labeling

Title 7, United States Code, Section 136/(b)(1)(B)

*** Max. Penalty:** 1 Year Imprisonment

Count #:

***Max. Penalty:** _____

Count #:

Count #:

***Max. Penalty:** _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: CANARIE DEON CURRY

Case No: _____

Count #: 1

Using A Restricted Use Pesticide In A Manner Inconsistent With Its Labeling

Title 7, United States Code, Section 136/(b)(1)(B)

*** Max. Penalty:** 1 Year Imprisonment

Count #:

***Max. Penalty:** _____

Count #:

Count #:

***Max. Penalty:** _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

AO 455 (Rev 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America)
v.) Case No.
SUNLAND PEST CONTROL SERVICES, INC.,)
)
Defendant)

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Craig Lawson, Esq.
Printed name of defendant's attorney

Judge's signature

U.S. MAGISTRATE JUDGE
Judge's printed name and title

Cody, Karen

From: Bingham, Kimberly
Sent: Thursday, August 20, 2015 1:44 PM
To: Keigwin, Richard; Helfgott, Daniel; Kendall, Ronald; Miles, James; Lott, Don; Gettle, Jeaneanne; Banister, Beverly; Kemker, Carol
Cc: Toney, Anthony; FL - Steve Dwinell; Dominy, Randy
Subject: Structural Fumigation Exposure in Florida

All,

See the information below involving a family potentially exposed to Sulfuryl Fluoride in Martin Co. Florida. We are monitoring this matter working with Steve Dwinell. Steve is available to speak to us if more information is needed.

Regards,

Kimberly

Kimberly L. Bingham, MPH | Chief, Pesticides Section | Air, Pesticides & Toxics Management Division
U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303
Voice: 404-562-9038 | Fax: 404-562-9066 | Email: bingham.kimberly@epa.gov

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From: Dominy, Randy
Sent: Thursday, August 20, 2015 1:32 PM
To: Bingham, Kimberly
Cc: Toney, Anthony
Subject: RA Weekly Item and Communication for HQ/IO - Structural Fumigation Exposure in Florida

Kimberly,

I have attached a version that includes the info we discussed and I have also talked with Steve a couple of times. He indicated he would be happy to talk with anyone if they had questions.

Subject: Structural Fumigation Exposure with Injury in Florida

Region 4 was notified by the Florida Department of Agriculture and Consumer Services (FDACS) today of a structural fumigation exposure in Martin County, Florida (the incident is believed to be near Palm City, Florida). FDACS was notified by the Florida Department of Health (DOH) earlier today (August 20th) that DOH has a case in which it appears that a family of five was exposed to sulfuryl fluoride, after reentering a cleared structure in Martin County on Sunday evening. The structure had been fumigated on Friday, August 14, 2015. Information suggests that the family members did not feel well Sunday night (August 16th) and three of the family members subsequently sought medical help on Monday. Two of those have been released, but a 9-year old remains in the ICU with a guarded prognosis.

Next Steps: FDACS has an inspector and inspector supervisor on the way to collect information from the fumigator, who has subcontracted to Terminix. FDACS is also following up with DOH. Region 4 will coordinate with FDACS, OPP and DECA as the investigation moves forward and offer any assistance and support that is needed.

Randy Dominy
Chemical Safety and Enforcement Branch
U.S. Environmental Protection Agency, Region 4
Atlanta, GA 30303
Phone: (404) 562-8996
Fax: (404) 562-8973
e-mail: dominy.randy@epa.gov
Visit: <http://www.epa.gov/pesticides/>
To report environmental violations visit:
<http://www.epa.gov/compliance/complaints/index.html>

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Cody, Karen

From: Dominy, Randy
Sent: Friday, August 21, 2015 3:22 PM
To: Pearsall, James
Subject: My cell phone number Exemption b Personal Privacy
I will be in Ft. Lauderdale Sunday-Thursday attending the National ASPCKU Meeting. Please use if you need to contact me.

Jamie,

I will be leaving early Sunday morning flying to Ft. Lauderdale. I am attending the annual meeting of the Association of Structural Pest Control Regulatory Officials. Steve Dwinell and FDACS Bureau Chief of Inspections and Incident Response—Dale Dubberly—will also be in attendance. Don Lott is also coming for a presentation, but I think he is doing a turnaround flight.

I know that Steve, Dale, Don and I will be discussing the progress of the FDACS's investigation. We will be glad to tie you in if desired, but it may be a late night discussion given the agenda. Looks like Palm City and Ft. Lauderdale are over an hour apart, so may not be conducive to getting together for a face to face.

Although I will be checking my email, it may mostly be confined to after 5:00 pm. Feel free to use my cell phone if you need anything. Once again— Exemption b Personal Privacy

By the way, sorry for the phone mix-up this morning. Glad you could join us on such short notice.

Randy Dominy
Chemical Safety and Enforcement Branch
U.S. Environmental Protection Agency, Region 4
Atlanta, GA 30303
Phone: (404) 562-8996
Fax: (404) 562-8973
e-mail: dominy.randy@epa.gov
Visit: <http://www.epa.gov/pesticides/>
To report environmental violations visit:
<http://www.epa.gov/compliance/complaints/index.html>

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Cody, Karen

From: Dominy, Randy
Sent: Friday, September 04, 2015 12:08 PM
To: Lott, Don; Hopkins, Yvette; Bingham, Kimberly; Toney, Anthony; Harris-Young, Dawn; Kemker, Carol; Gettle, Jeaneanne; Banister, Beverly
Cc: 'Dwinell, Steve'
Subject: FW: Good Morning America: Young Boy Hospitalized for Funigation Poisoning

Tracking:	Recipient	Read
	Lott, Don	Read: 9/4/2015 12:09 PM
	Hopkins, Yvette	Read: 9/4/2015 1:11 PM
	Bingham, Kimberly	Read: 9/4/2015 12:16 PM
	Toney, Anthony	Read: 9/4/2015 1:52 PM
	Harris-Young, Dawn	Read: 9/4/2015 12:09 PM
	Kemker, Carol	
	Gettle, Jeaneanne	Read: 9/4/2015 3:20 PM
	Banister, Beverly	
	'Dwinell, Steve'	

Thanks Steve. I am forwarding your message on.

Folks – Media coverage related to the fumigation issue in Palm City, Florida. First coverage that either Steve or I have seen.

Dawn Harris-Young, who I have copied on this message is our POC in the region for the media on Florida related issues, in the event you get any inquiries. Her number is 404-562-8421.

I am out of the office today, so please contact me on my cell if you have any questions—, Exemption 6 Personal Privacy

Randy Dominy
Chemical Safety and Enforcement Branch
U.S. Environmental Protection Agency, Region 4
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Phone: (404) 562-8996
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From: Dwinell, Steve [mailto:Steven.Dwinell@freshfromflorida.com]
Sent: Friday, September 04, 2015 10:56 AM

To: Dominy, Randy

Subject: FW: Good Morning America: Young Boy Hospitalized for Fumigation Poisoning

Please give me a call. Thanks.

Steven E. Dwinell
Assistant Director
Division of Agricultural Environmental Services
Florida Department of Agriculture and Consumer Services
850-617-7913
850-528-5314 cell
steven.dwinell@freshfromflorida.com
3125 Conner Boulevard
Tallahassee Florida 32399

www.FreshFromFlorida.com

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From: Meale, Jennifer

Sent: Friday, September 04, 2015 10:54 AM

To: Putnam, Adam

Cc: Conti, Lisa; Dwinell, Steve; Joyner, Michael; Keller, Aaron; Bevis, Amanda

Subject: Good Morning America: Young Boy Hospitalized for Fumigation Poisoning

Please see below.

CBS National News story this morning: <http://abcnews.go.com/GMA/video/young-boy-hospitalized-fumigation-poisoning-33533816>

WPTV: Family says boy was poisoned by pest control company: <http://www.wptv.com/news/region-martin-county/palm-city/family-says-boy-was-poisoned-by-pest-control-company>

Family says boy was poisoned by pest control company

PALM CITY, Fla. - Peyton McCaughey should have been celebrating his tenth birthday on Thursday. But he remains in a Miami hospital with brain damage, barely able to move or speak.

His family says the nightmare began when Terminix gave them the okay to return to their home after it was tented.

"They returned home at 7 o'clock, bed time is 8 or 8:30, so he went to bed around that time, and the symptoms started at about three in the morning," Peyton's uncle Ed Gribben said.

The entire family says they got sick. But Peyton's symptoms continue to get worse.

"They noticed Peyton was kind of losing some of his motor skills. He wasn't able to stand on his own. His eyes were rolling around," Peyton's uncle said.

That was on August 17. Peyton was first taken to St. Mary's Medical Center where he was in the ICU for nine days.

He's since been transferred to a hospital in Miami.

"He is very much in a jellyfish-like state. He doesn't have the muscle control to control his own body," Gribben said.

Gribben blames Terminix, the pest control company the family says they contacted to tent their house. They believe chemicals remained in the home.

According to the family's attorney, Terminix contracted with a West Palm Beach company called SunLand to actually do the tenting job.

"They just continue to be non responsive and won't accept responsibility. And that is pretty frustrating. They are disregarding the human element of it to try and protect themselves," Gribben said.

Gribben and the family's attorney claim the company has not been forthcoming about what chemicals were used.

"It could have potentially helped to know what chemicals were used...would have helped the doctors treat it then. But they chose not to respond for whatever reason," Gribben said.

A Terminix spokesman released this statement: "We were saddened to learn of this and our hearts are with the family. We are carefully reviewing the matter."

An attorney for the contractor SunLand did not return calls for comment.

The Environmental Protection Agency says they have a criminal investigations division, but they will not confirm or deny whether it is investigating.

Meanwhile, the family is struggling because both of Peyton's parents have not been able to work while they stay by their son's side.

Peyton's mom Lori is an assistant principal at Martin County High School and his dad Carl works for the family's remodeling business.

"They've got a real threat of lack of income. It is going to be a real problem very soon," Gribben said.

If you would like to help the family, you can join Facebook Group "Support Peyton McCaughey" or donate on the GoFundMe page.

Jenn Meale
Communications Director
Office of Commissioner Adam H. Putnam
Florida Department of Agriculture and Consumer Services

(850) 617-7716 Office
(850) 408-3184 Cell
Jennifer.Meale@FreshFromFlorida.com

The Capitol - Plaza Level 10
400 South Monroe Street
Tallahassee, Florida 32399

www.FreshFromFlorida.com

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Cody, Karen

From: Lott, Don
Sent: Friday, September 04, 2015 12:27 PM
To: Conger, Nick; Senn, John
Cc: Bingham, Kimberly; Toney, Anthony; Dominy, Randy; Harris-Young, Dawn; Miles, James; Sullivan, Greg
Subject: FW: Good Morning America: Young Boy Hospitalized for Funigation Poisoning

Nick and John-

A couple of weeks ago, we alerted you to the fumigation incident in Florida involving sulfuryl fluoride where a family had been exposed and a 9-year-old boy was hospitalized as a result of the application. Up until now, we hadn't seen any press or media coverage. As of this morning, that has changed. (see the TV news clips and the press article below)

Dawn Harris-Young is the POC in Region 4 for Florida related media issues, in the event you get any inquiries. Her number is 404-562-8421.

Donald J Lott, Associate Director
Waste & Chemical Enforcement Division
(202) 564-2652 - lott.don@epa.gov

Subject: Good Morning America: Young Boy Hospitalized for Funigation Poisoning

Please see below.

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Sent: Friday, September 04, 2015 10:56 AM
To: Dominy, Randy
Subject: FW: Good Morning America: Young Boy Hospitalized for Funigation Poisoning

Please give me a call. Thanks.

Steven E. Dwinell
Assistant Director
Division of Agricultural Environmental Services
Florida Department of Agriculture and Consumer Services
850-617-7913
850-528-5314 cell
steven.dwinell@freshfromflorida.com
3125 Conner Boulevard
Tallahassee Florida 32399

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"They just continue to be non responsive and won't accept responsibility. And that is pretty frustrating. They are disregarding the human element of it to try and protect themselves," Gribben said.

Gribben and the family's attorney claim the company has not been forthcoming about what chemicals were used.

"It could have potentially helped to know what chemicals were used...would have helped the doctors treat it then. But they chose not to respond for whatever reason," Gribben said.

A Terminix spokesman released this statement: "We were saddened to learn of this and our hearts are with the family. We are carefully reviewing the matter."

An attorney for the contractor SunLand did not return calls for comment.

The Environmental Protection Agency says they have a criminal investigations division, but they will not confirm or deny whether it is investigating.

Meanwhile, the family is struggling because both of Peyton's parents have not been able to work while they stay by their son's side.

Peyton's mom Lori is an assistant principal at Martin County High School and his dad Carl works for the family's remodeling business.

"They've got a real threat of lack of income. It is going to be a real problem very soon," Gribben said.

If you would like to help the family, you can join Facebook Group "Support Peyton McCaughey" or donate on the GoFundMe page.

Jenn Meale
Communications Director
Office of Commissioner Adam H. Putnam
Florida Department of Agriculture and Consumer Services

(850) 617-7716 Office
(850) 408-3184 Cell
Jennifer.Meale@FreshFromFlorida.com

The Capitol - Plaza Level 10
400 South Monroe Street
Tallahassee, Florida 32399

www.FreshFromFlorida.com

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Cody, Karen

From: Dominy, Randy
Sent: Tuesday, September 08, 2015 10:03 AM
To: Bingham, Kimberly; Toney, Anthony; Lott, Don; Hopkins, Yvette; Banister, Beverly; Gettle, Jeaneanne; Kemker, Carol; Harris-Young, Dawn
Cc: 'Dwinell, Steve'
Subject: CNN Piece on the Palm City Fumigation

Tracking:

Recipient	Read
Bingham, Kimberly	
Toney, Anthony	Read: 9/8/2015 2:54 PM
Lott, Don	Read: 9/8/2015 10:14 AM
Hopkins, Yvette	Read: 9/8/2015 10:05 AM
Banister, Beverly	
Gettle, Jeaneanne	Read: 9/8/2015 11:28 AM
Kemker, Carol	
Harris-Young, Dawn	Read: 9/8/2015 10:12 AM
'Dwinell, Steve'	

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Let me know if you have any questions.

Randy Dominy
Chemical Safety and Enforcement Branch
U.S. Environmental Protection Agency, Region 4
Atlanta, GA 30303
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Fax: (404) 562-8973
e-mail: dominy.randy@epa.gov
Visit: <http://www.epa.gov/pesticides/>
To report environmental violations visit:
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Cody, Karen

From: Hopkins, Yvette
Sent: Tuesday, September 08, 2015 10:06 AM
To: Dominy, Randy
Subject: RE: CNN Piece on the Palm City Fumigation

I can't see the link.

From: Dominy, Randy
Sent: Tuesday, September 08, 2015 10:03 AM
To: Bingham, Kimberly; Toney, Anthony; Lott, Don; Hopkins, Yvette; Banister, Beverly; Gettle, Jeaneanne; Kemker, Carol; Harris-Young, Dawn
Cc: Dwinell, Steve
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Cc: Dwinell, Steve
Subject: RE: CNN Piece on the Palm City Fumigation

I hit send before pasting the link. Use this link to access the article.

<http://www.cnn.com/2015/09/04/us/termite-fumigation-hospitalization/>

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To report environmental violations visit:

Cody, Karen

From: Dominy, Randy
Sent: Tuesday, September 08, 2015 10:12 AM
To: Hopkins, Yvette
Subject: RE: CNN Piece on the Palm City Fumigation

Thanks Yvette—as usual, my fingers were working faster than my brain!!!!

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Cody, Karen

From: Harris-Young, Dawn
Sent: Tuesday, September 08, 2015 10:17 AM
To: Dominy, Randy
Subject: RE: CNN Piece on the Palm City Fumigation

<http://nycity.today/content/284945-treasure-coast-pest-control-company-ordered-stop-fumigation>

<http://www.palmbeachpost.com/news/news/local/state-probes-link-between-ill-tcoast-boy-pest-cont/nnYff/>

<http://www.dailymail.co.uk/news/article-3222937/Boy-10-suffers-severe-brain-damage-family-cleared-return-home-following-botched-termite-fumigation.html>

From: Dominy, Randy
Sent: Tuesday, September 08, 2015 10:11 AM
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Cody, Karen

From: Harris-Young, Dawn
Sent: Tuesday, September 08, 2015 10:20 AM
To: Dominy, Randy
Subject: RE: CNN Piece on the Palm City Fumigation

Also ABC News

<http://abcnews.go.com/Health/family-alleges-pest-fumigation-left-boy-severely-injured/story?id=33539389>

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Cc: Dwinell, Steve
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Cody, Karen

From: Bingham, Kimberly
Sent: Tuesday, September 08, 2015 10:29 AM
To: Dominy, Randy
Subject: RE: CNN Piece on the Palm City Fumigation

This was a great piece by CNN. I am glad to at least hear that the child is doing better.

Kimberly

Kimberly L. Bingham, MPH | Chief, Pesticides Section | Air, Pesticides & Toxics Management Division
U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303
Voice: 404-562-9038 | Fax: 404-562-9066 | Email: bingham.kimberly@epa.gov

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Cc: Dwinell, Steve
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<http://www.cnn.com/2015/09/04/us/termite-fumigation-hospitalization/>

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Cody, Karen

From: Dwinell, Steve <Steven.Dwinell@freshfromflorida.com>
Sent: Tuesday, September 08, 2015 11:24 AM
To: Dominy, Randy
Subject: Funigation incident media monitoring compliments of NPMA

Steven E. Dwinell
Assistant Director
Division of Agricultural Environmental Services
Florida Department of Agriculture and Consumer Services
850-617-7913
850-528-5314 cell
steven.dwinell@freshfromflorida.com
3125 Conner Boulevard
Tallahassee Florida 32399

www.FreshFromFlorida.com

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From: Bob Rosenberg [mailto:rosenberg@pestworld.org]
Sent: Monday, September 07, 2015 8:05 PM
To: Dwinell, Steve
Subject:

Fumigation Media Monitoring Report
9/6/15

Click the link to view a full broadcast report as of 9/5/15 at 10:00 a.m.
<http://mms.tveyes.com/NetReport.aspx?ReportHash=4f14a39fa32d60286bba52350de378c0>

Here's the online coverage as of 9/6/15 at 2:00 p.m.

- DailyMail.co.uk: Boy, 10, suffers severe brain damage after 'he and his family were cleared to return to home following botched termite fumigation'
- Inquisitr.com: Florida: 10-Year-Old Suffers Brain Damage After House Fumigation, Company Said House Was Safe
- DigitalJournal.com: Florida boy suffers brain injury from termite fumigation of home
- [ABC World News Tonight](http://ABCWorldNewsTonight.com): (Video) Possible Toxic Nightmare for Family After Their House is Fumigated

- [NYDailyNews.com](#): Florida Boy, 10, Suffers Brain Damage, 'Cannot Control His Muscles' After Termite Fumigation at His Home
 - This article references the CNN and ABC News articles, and also mentions the Virgin Islands incident
- [CNN.com](#): 10-Year-Old Hospitalized After Termite Fumigation
 - More than 40 local news outlets have picked up this story so far across the country.
- [ABCNews.com](#): Family Alleges Pest Fumigation Left Boy Severely Injured
 - [KMBZ.com](#) in Kansas City, KS, also picked up this story.
- [PalmBeachPost.com](#): State Probes Link Between Ill TCoast Boy, Pest Control Fumigation
- [WPTV.com](#) (West Palm Beach, FL): State Orders Sunland Pest Control Company to Stop Fumigations
- [WPBF.com](#) (Palm City, FL): Department of Agriculture Issues 'Stop Work Order' Against Sunland Pest Control
- [KFOR.com](#) (Oklahoma City, OK): Boy Suffers Brain Injury After Family's Home Is Fumigated For Termites
- [MyFoxSanAntonio.com](#) (San Antonio, TX): Family: 10-year-old suffered brain damage after home fumigated for termites
- [WFLA.com](#) (Tampa, FL): Florida boy 10, suffered brain damage from termite tenting, says family
 - [News10.com](#) in Albany, NY, [WWLP.com](#) in Springfield, MA and [WKRN.com](#) in Nashville, TN also picked up this story.
- [TBO.com](#) (Tampa, FL): Video: Family Says Martin County Boy Has Brain Damage After Termite Treatment
- [CBS12.com](#) (West Palm Beach, FL): Florida Boy Hospitalized After Termite Fumigation At Family's Home
 - [WTSP.com](#) in Tampa, FL also picked up this story.
- [CBS12.com](#) (West Palm Beach, FL): Boy Spends 10th Birthday In Hospital With Brain Damage After Home Fumigated
- [WPTV.com](#) (West Palm Beach, FL): Community rallies behind Martin County sick boy, family
- [WPTV.com](#) (West Palm Beach, FL): Family Says Boy Was Poisoned By Pest Control Company
 - This story also picked up by [WDAM.com](#) in Hattiesburg, MS, [Fox10tv.com](#) in Mobile, AL and [WFLX.com](#) in West Palm Beach, FL.
- [WPBF.com](#) (West Palm Beach, FL): 10-Year-Old Boy Suffers Brain Damage After Termite Tenting
 - Story also picked up by [WESH.com](#) in Orlando, FL.
- [WPBF.com](#) (West Palm Beach, FL): Video – Palm City Boy Suffers Brain Damage After Termite Tenting

• WPBF.com (West Palm Beach, FL): Photos: 10-Year-Old Boy Suffers Brain Damage After Termite Tenting (Photo slideshow of Peyton)

Bob

Cody, Karen

From: Dominy, Randy
Sent: Tuesday, September 08, 2015 11:30 AM
To: Bingham, Kimberly; Toney, Anthony; Lott, Don; Hopkins, Yvette; Banister, Beverly; Gettle, Jeaneanne; Kemker, Carol; Harris-Young, Dawn
Cc: 'Dwinell, Steve'
Subject: FW: Funigation incident media monitoring compliments of NPMA
Tracking:

Recipient	Read
Bingham, Kimberly	
Toney, Anthony	
Lott, Don	Read: 9/8/2015 2:50 PM
Hopkins, Yvette	Read: 9/8/2015 11:41 AM
Banister, Beverly	Read: 9/8/2015 11:31 AM
Gettle, Jeaneanne	Read: 9/8/2015 1:32 PM
Kemker, Carol	Read: 9/8/2015 11:45 AM
Harris-Young, Dawn	
'Dwinell, Steve'	Read: 9/8/2015 11:36 AM

Thanks Steve.

Folks – Thought this might be helpful. NPMA (Bob Rosenberg) compiled the coverage regarding the fumigation incident in Florida. I have not had a chance to read/view all and I am sure they are very similar, but good to know what is already out there.

Fumigation Media Monitoring Report 9/6/15

Click the link to view a full broadcast report as of 9/5/15 at 10:00 a.m.
<http://mms.tveyes.com/NetReport.aspx?ReportHash=4f14a39fa32d60286bba52350de378c0>

Here's the online coverage as of 9/6/15 at 2:00 p.m.

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- Inquisitr.com: Florida: 10-Year-Old Suffers Brain Damage After House Fumigation, Company Said House Was Safe
- DigitalJournal.com: Florida boy suffers brain injury from termite fumigation of home
- [ABC World News Tonight](http://ABCWorldNewsTonight.com): (Video) Possible Toxic Nightmare for Family After Their House is Fumigated
- NYDailyNews.com: Florida Boy, 10, Suffers Brain Damage, 'Cannot Control His Muscles' After Termite Fumigation at His Home

This article references the CNN and ABC News articles, and also mentions the Virgin Islands incident

CNN.com: 10-Year-Old Hospitalized After Termite Fumigation
More than 40 local news outlets have picked up this story so far across the country.

ABCNews.com: Family Alleges Pest Fumigation Left Boy Severely Injured
KMBZ.com in Kansas City, KS, also picked up this story.

PalmBeachPost.com: State Probes Link Between Ill TCoast Boy, Pest Control Fumigation

WPTV.com (West Palm Beach, FL): State Orders Sunland Pest Control Company to Stop Fumigations

WPBF.com (Palm City, FL): Department of Agriculture Issues 'Stop Work Order' Against Sunland Pest Control

KFOR.com (Oklahoma City, OK): Boy Suffers Brain Injury After Family's Home Is Fumigated For Termites

MyFoxSanAntonio.com (San Antonio, TX): Family: 10-year-old suffered brain damage after home fumigated for termites

WFLA.com (Tampa, FL): Florida boy 10, suffered brain damage from termite tenting, says family
o News10.com in Albany, NY, WWLP.com in Springfield, MA and WKRN.com in Nashville, TN also picked up this story.

TBO.com (Tampa, FL): Video: Family Says Martin County Boy Has Brain Damage After Termite Treatment

CBS12.com (West Palm Beach, FL): Florida Boy Hospitalized After Termite Fumigation At Family's Home
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CBS12.com (West Palm Beach, FL): Boy Spends 10th Birthday In Hospital With Brain Damage After Home Fumigated

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(Photo slideshow of Peyton)

Randy Dominy
Chemical Safety and Enforcement Branch
U.S. Environmental Protection Agency, Region 4
Atlanta, GA 30303
Phone: (404) 562-8996

Fax: (404) 562-8973

e-mail: dominy.randy@epa.gov

Visit: <http://www.epa.gov/pesticides/>

To report environmental violations visit:

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From: Dwinell, Steve [<mailto:Steven.Dwinell@freshfromflorida.com>]

Sent: Tuesday, September 08, 2015 11:24 AM

To: Dominy, Randy

Subject: Funigation incident media monitoring compliments of NPMA

Steven E. Dwinell

Assistant Director

Division of Agricultural Environmental Services

Florida Department of Agriculture and Consumer Services

850-617-7913

850-528-5314 cell

steven.dwinell@freshfromflorida.com

3125 Conner Boulevard

Tallahassee Florida 32399

www.FreshFromFlorida.com

Please note that Florida has a broad public records law (Chapter 119, Florida Statutes). Most written communications to or from state employees are public records obtainable by the public upon request. Emails sent to me at this email address may be considered public and will only be withheld from disclosure if deemed confidential pursuant to the laws of the State of Florida.

From: Bob Rosenberg [<mailto:rosenberg@pestworld.org>]

Sent: Monday, September 07, 2015 8:05 PM

To: Dwinell, Steve

Subject:

Fumigation Media Monitoring Report
9/6/15

Click the link to view a full broadcast report as of 9/5/15 at 10:00 a.m.

<http://mms.tveyes.com/NetReport.aspx?ReportHash=4f14a39fa32d60286bba52350de378c0>

Here's the online coverage as of 9/6/15 at 2:00 p.m.

- DailyMail.co.uk: Boy, 10, suffers severe brain damage after 'he and his family were cleared to return to home following botched termite fumigation'

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Bob

Cody, Karen

From: Dominy, Randy
Sent: Tuesday, September 08, 2015 1:11 PM
To: Beard, Phillip; Bingham, Kimberly; Corbett, Richard; Furse, Lee; Hill, Karen; Livingston, Pat; Mullenix, Justin; Table, Melba; Tomczak, Kimberly
Subject: Fumigation Incident in Florida

Tracking:

Recipient	Read
Beard, Phillip	Read: 9/8/2015 1:47 PM
Bingham, Kimberly	
Corbett, Richard	
Furse, Lee	
Hill, Karen	
Livingston, Pat	Read: 9/8/2015 2:09 PM
Mullenix, Justin	Read: 9/8/2015 1:31 PM
Table, Melba	Read: 9/8/2015 1:54 PM
Tomczak, Kimberly	

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 Fax: (404) 562-8973

e-mail: dominy.randy@epa.gov

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Cody, Karen

From: Livingston, Pat
Sent: Tuesday, September 08, 2015 2:09 PM
To: Dominy, Randy
Subject: RE: Fumigation Incident in Florida

I actually saw the CNN story over the weekend. Was so sorry to hear about the little boy.
Pat

From: Dominy, Randy
Sent: Tuesday, September 08, 2015 1:11 PM
To: Beard, Phillip; Bingham, Kimberly; Corbett, Richard; Furse, Lee; Hill, Karen; Livingston, Pat; Mullenix, Justin; Table, Melba; Tomczak, Kimberly
Subject: Fumigation Incident in Florida

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Cody, Karen

From: Toney, Anthony
Sent: Tuesday, September 08, 2015 5:45 PM
To: Jenkins, Brandi
Cc: Banister, Beverly; Gettle, Jeaneanne; Kemker, Carol; Bingham, Kimberly; Dominy, Randy
Subject: DD RA Briefing Update - Palm City FL Fumigation Final.docx
Attachments: DD RA Briefing Update - Palm City FL Fumigation Final.docx

Brandi,

Attached is a copy of the informational sheet regarding the Florida structural fumigation exposure issue.

Please let us know if you need anything additional.

As you know, the Division's management Team will be attending an off-site meeting on Wednesday and Thursday.

My Cell number is (678) 576-1274 (work) or Exemption 6 Personal Privacy, Personal cell). Call either if you need something.

Tony Toney

Exemption 7 ☒ (A) Interference with Enforcement Proceedings
☐ (B) Right to Fair Trial
☐ (C) Unwanted Invasion of Personal Privacy

Cody, Karen

From: Jenkins, Brandi
Sent: Tuesday, September 08, 2015 5:46 PM
To: Toney, Anthony
Cc: Banister, Beverly; Gettle, Jeaneanne; Kemker, Carol; Bingham, Kimberly; Dominy, Randy
Subject: Re: DD RA Briefing Update - Palm City FL Fumigation Final.docx

Thank you!

Brandi J. Jenkins, Special Assistant
Office of the Regional Administrator
Region 4
Office: 404.562.9124
Mobile: Exemption 6 Personal Privacy

Sent from my iPhone

On Sep 8, 2015, at 5:45 PM, Toney, Anthony <Toney.Anthony@epa.gov> wrote:

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<DD RA Briefing Update - Palm City FL Fumigation Final.docx>

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From: Bingham, Kimberly
Sent: Wednesday, September 09, 2015 8:05 AM
To: Jenkins, Brandi
Cc: Banister, Beverly; Toney, Anthony; Gettle, Jeaneanne; Kemker, Carol; Dominy, Randy
Subject: RE: DD RA Briefing Update - Palm City FL Fumigation Final.docx

Brandi,

Exemption 7 ☒ (A) Interference with Enforcement Proceedings
☐ (B) Right to Fair Trial
☐ (C) Unwanted Invasion of Personal Privacy

Regards,

Kimberly

Kimberly L. Bingham, MPH | Chief, Pesticides Section | Air, Pesticides & Toxics Management Division
U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303
Voice: 404-562-9038 | Fax: 404-562-9066 | Email: bingham.kimberly@epa.gov

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Cc: Banister, Beverly; Toney, Anthony; Gettle, Jeaneanne; Kemker, Carol; Dominy, Randy; Lincoln, Larry
Subject: RE: DD RA Briefing Update - Palm City FL Fumigation Final.docx
Attachments: DD RA Briefing Update - Palm City FL Fumigation bjj comments.docx

Thanks Kimberly.

I have a few questions which I added into the document. Please let me know if you are able to view them. Also, Larry compiled a list of the media outlets that have covered this story and I added it to the document.

Thanks,

Brandi
2-9124

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Thank you Randy.

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From: Jenkins, Brandi
Sent: Wednesday, September 09, 2015 10:45 AM
To: Bingham, Kimberly
Cc: Banister, Beverly; Toney, Anthony; Gettle, Jeaneanne; Kemker, Carol; Dominy, Randy; Lincoln, Larry
Subject: RE: DD RA Briefing Update - Palm City FL Fumigation Final.docx

Thanks Kimberly.

I have a few questions which I added into the document. Please let me know if you are able to view them. Also, Larry compiled a list of the media outlets that have covered this story and I added it to the document.

Thanks,

Brandi
-9124

From: Bingham, Kimberly
Sent: Wednesday, September 09, 2015 8:05 AM
To: Jenkins, Brandi
Cc: Banister, Beverly; Toney, Anthony; Gettle, Jeaneanne; Kemker, Carol; Dominy, Randy
Subject: RE: DD RA Briefing Update - Palm City FL Fumigation Final.docx

Brandi,

Exemption 7 ☒ (A) Interference with Enforcement Proceedings
☐ (B) Right to Fair Trial
☐ (C) Unwanted Invasion of Personal Privacy

Regards,

Kimberly

Kimberly L. Bingham, MPH | Chief, Pesticides Section | Air, Pesticides & Toxics Management Division
U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303
Voice: 404-562-9038 | Fax: 404-562-9066 | Email: bingham.kimberly@epa.gov

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From: Jenkins, Brandi
Sent: Tuesday, September 08, 2015 5:46 PM
To: Toney, Anthony
Cc: Banister, Beverly; Gettle, Jeaneanne; Kemker, Carol; Bingham, Kimberly; Dominy, Randy
Subject: Re: DD RA Briefing Update - Palm City FL Fumigation Final.docx

Thank you!

Brandi J. Jenkins, Special Assistant
Office of the Regional Administrator
Region 4
Office: 404.562.9124
Mobile: Exemption 6 Personal Privacy

Sent from my iPhone

On Sep 8, 2015, at 5:45 PM, Toney, Anthony <Toney.Anthony@epa.gov> wrote:

Brandi,

Attached is a copy of the informational sheet regarding the Florida structural fumigation exposure issue.

Please let us know if you need anything additional.

As you know, the Division's management Team will be attending an off-site meeting on Wednesday and Thursday.

My Cell number is (678) 576-1274 (work) or (678) 576-1274 (Personal cell). Call either if you need something.

Exemption 6 Personal Privacy

Tony Toney

<DD RA Briefing Update - Palm City FL Fumigation Final.docx>

Cody, Karen

From: Dominy, Randy
Sent: Wednesday, September 09, 2015 11:35 AM
To: Jenkins, Brandi; Bingham, Kimberly
Cc: Banister, Beverly; Toney, Anthony; Gettle, Jeaneanne; Kemker, Carol; Lincoln, Larry
Subject: RE: DD RA Briefing Update - Palm City FL Fumigation Final.docx
Attachments: DD RA Briefing Update - Palm City FL Fumigation bjj comments.rd reply.docx

Tracking:

Recipient	Read
Jenkins, Brandi	Read: 9/9/2015 11:37 AM
Bingham, Kimberly	
Banister, Beverly	
Toney, Anthony	
Gettle, Jeaneanne	Read: 9/9/2015 11:45 AM
Kemker, Carol	
Lincoln, Larry	

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Randy Dominy
Chemical Safety and Enforcement Branch
U.S. Environmental Protection Agency, Region 4
Atlanta, GA 30303
Phone: (404) 562-8996
Fax: (404) 562-8973
e-mail: dominy.randy@epa.gov
Visit: <http://www.epa.gov/pesticides/>
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